

## **EAST PALESTINE VILLAGE COUNCIL MAY 13, 2013 COMMUNITY CENTER 7PM**

Mayor Zuch called the meeting to order. Present were Atty. Beagle, Mr. Elzer, Mr. Cohen, Mr. Tyger and Mrs. Wisser. Mr. Figley was absent due to illness. The minutes of the April 22 Utility Committee Meeting and the regular Council Meeting were approved on a motion by Mr. Cohen, seconded by Mrs. Wisser. In reference to the April department reports, Mr. Elzer asked about the “commercial” column on the Building and Zoning Report. He stated it says “commercial alterations, remodeling and signs” and he stated he didn’t think there were commercial requirements in the Village and the column will always be zero. Clerk Misti Martin stated that the Village does require a permit for signs, and that for commercial it is a “zoning” permit. Mr. Elzer also asked about why on the water report there is approximately a 25% difference between what is billed and what is produced and asked the reason why. Clerk Misti Martin stated that the difference comes from when hydrants are flushed, back washing at the plant, leaks and water breaks, and filling the pool. Mr. Elzer made a motion to approve the April department reports, seconded by Atty. Beagle. All in favor.

**AGENDA:** Austin Huffman to speak about his proposed Eagle Scout Project. Mr. Cohen stated that Mr. Huffman brought his proposed project to the Park Board Meeting and they gave their approval and also told him to come to Council for approval. Mr. Huffman said his plan is to put signs at the front of the cemetery with the name on it, one on each side of the driveway. And also signs in front of the chapel and mausoleum with new landscaping around the chapel. They would be made out of wood. Mr. Cohen asked about the size and Mr. Huffman said he wasn’t sure yet. Manager Monteleone asked if he could do drawings of the signs so they could see them in advance. Mr. Cohen told Mr. Huffman to contact Manager Monteleone when he is ready to begin. Mr. Elzer made a motion to approve the project seconded by Mr. Cohen. All in favor. Adam Philips to speak about his sign for the park for his Eagle Scout Project. He stated previously he had discussed with Council where to locate the sign. He is hoping to get the sign in the ground the second week of June, but he will have the actual map back next week. Mr. Philips said he met with B & J Electric and they are going to donate all of the lumber needed for the project. He said he passed out a lot of letters asking for donation of money or materials. He’s gotten material donations but he still needs monetary donations to cover the cost of the aluminum for the roof and that should cost approximately \$200. Manager Monteleone stated that once they had a visual of the sign, they could go out and look at a few possible places to put it. Mr. Cohen said it had been discussed about taking out a couple of the parking spaces right past the stop sign and he thought that was a good idea. Mr. Elzer asked if it would be assembled off site and then put in place and Mr. Phillips said yes. Mayor Zuch stated that when the sign is ready he should contact Manager Monteleone and they will decide where to put it.

**CLERK:** Clerk Misti Martin stated that the Columbiana County Health Department is sponsoring their annual rabies vaccination clinic at the Columbiana County Career Center on Saturday May 18 from 1 to 3pm. The clinic is for cats and dogs and the cost is \$5.00.

**MAYOR:** At this point Mayor Zuch swore in a new auxiliary police officer. Officer Richard Burbick. She also stated this past Saturday was our Annual DOG Days event and that there were over 300 participants in spite of the weather. The committee was grateful for all of the food donations. The post office always sponsors a food drive on the same day and Ms. Barb Lynch of Social Concerns said it was the most successful drive they have ever had. She stated that everyone owes Sandy Wales huge thanks for taking over the program. Mayor Zuch stated that Council had to decide if they would have one or two meetings a month in the summer. Per the Charter it is allowed to do away with one meeting per month in the summer months. Mr. Elzer stated he felt going down to one meeting per month would hurt the Village and the legislation process. Mr. Elzer made a motion to not skip meetings in the summer months, seconded by Atty. Beagle, all in favor, motion carried.

**MANAGER:** Village Manager Monteleone stated that he had given written reports. Dave Biggins will be doing the roof and gutter work at the Brick Pavilion and will start within the next month and the new countertops are in. He stated he met with Jeanette from OMEGA about the grant for the Sumner St. Bridge and turned in the paperwork and are trying to get a critical infrastructure grant from the county. The County inspector came and re inspected the bridge after the curb lawn was removed, and he said the bridge can be reopened after the curb lawn section is replaced. Monteleone said they want to get it opened as quickly as possible. The grinding for the paving has started and we are very early this year and they may be paving as soon as Thursday. He and Chief Dickey had a meeting with the Drug Task Force and it was very positive. The pool is full a week ahead of years past and they will start heating it this week. Friday will be the start of in service for the Aquatics Director to begin training the new lifeguards. He stated he had a meeting last week with David Turner from Ohio Edison and they have approved to paint our street lights at no cost to us. They also have cleared us to use some of Columbiana’s old poles that match ours to replace the two missing on

Market St. This still has to be discussed with Columbiana. Mr. Cohen asked if we got to pick the color and Monteleone said we are going with brown to match the street sign poles and the bulldog banners. He stated he is trying to get approval to have the banners up before the street fair and the poles could be painted by July. The prices for the shorter decorative poles like Salem has are around \$142,000.00 to replace all 42 of them. That includes removing the old ones and putting up the new ones, but the Village would have to do the infrastructure work. Mr. Figley had asked about using a power box for our own power and he found there is a cost difference. A city that got out of their program and did this had a price increase of around 50%. Monteleone stated he is pleased and feels they are bending a little in our favor. A long standing water leak at Malibu Dr. has been found and corrected. Mr. Elzer told Monteleone that the downtown is looking great with the new signs and painted poles.

**LAW DIRECTOR: NO REPORT**

**STREET: NO REPORT (MR. FIGLEY WAS ABSENT)**

**SAFETY/PARK/REC/CEM:** Mr. Cohen stated he attended the last Park Board meeting and most of it was taken up on the DOG Day planning and with the Eagle Scout project. Manager Monteleone stated the cemetery is looking great, there have been 5 mowings already and it isn't costing any more. Also we hired six applicants through the Summer Youth Employment Program which is more than we have ever had. There will be two at the cemetery, two at the park, and two at the street department and they are all 40 hours per week at no cost to the Village. Mrs. Wisser asked if they were teenagers, between the ages of 16 to 24.

**DEVELOPMENT:** Mr. Elzer stated that the Chapman's have opened Stitches and Stuff downtown; they have run the business from their home in the past. Please support them and all of the business down town. We are on pace to have an incredible year development wise. There are currently only two vacant businesses down town and five years ago there were fifteen.

**UTILITY: NO REPORT**

**FINANCE:** Mr. Tyger stated that he and Finance Director will need the ordinance for Supplemental Appropriations to be an emergency and worst case scenario has it go three readings and then be made an emergency. Atty. Beagle asked if they would still have enough time if it went three readings. Finance Director Thompson stated that she can't have her expenditures over expenses of revenue. For example, she received the \$10,000.00 for the Drug Task Force and Chief Dickey is already working people from the task force but we are not supposed to spend that money until it's appropriated but we are trying to keep things moving. We knew the reservoir project was coming and the money wasn't appropriated because of waiting for things to be finalized, but she just sent a payment request for reimbursement so that money will be coming in. She is just trying to keep up with making the appropriations match the revenue coming in. Thompson stated she would like it to be an emergency tonight, but if not she will have to wait. Mr. Elzer asked if Mr. Tyger was talking about emergency after 3 readings and Mr. Tyger said they would like it emergency tonight but worst case scenario would be after 3 readings or emergency after the next meeting. Mr. Elzer asked what the ramifications are of not getting it done now and Thompson said she could say she can't expense the revenues coming in. She shouldn't be paying contractors for work or people on the Drug task Force because it's not appropriated but she doesn't want to do that. Mr. Cohen asked why this couldn't have been started back in April. Thompson stated she never knows when the money is coming and for example she didn't know we would sell a lot at Leslie Run. Mr. Cohen asked if this was an annual issue and Thompson stated this should be done anytime revenue increases but she never knows when money will come in. Mr. Elzer asked if they could look it over and do it at the next meeting and Mr. Tyger said that is fine.

**VISITORS COMMENTS ON CURRENT LEGISLATION:** Mr. Elzer stated that the way legislation usually works is Council votes yes or no after its written and that doesn't give them any input on it. After speaking with the Police and Fire Chiefs and the Manager, they need a way to keep track of businesses going in and what people are using their property for and how to contact them in case of emergency. He presented two ordinances, one for people doing business in town and one for people who own commercial property requiring them to register annually with the Village. Mayor Zuch stated she thinks it is a good idea. Mr. Cohen said he agrees that there should be a way to keep track of businesses but he is opposed to the fees and Mr. Elzer said he would have no opposition to removing the fees. Manager Monteleone said that most places that have this require a minimal fee to help offset processing and Thompson said that could help with hiring a building and zoning inspector. Mr. Cohen said that he is for "free enterprise" and when he got on council he wanted to try and keep government out of people's hair. He agrees with the need for the form,

but we don't understand that all of these small business owners are required to pay these small fees many times a year by other agencies and that adds up. When you start fining people this becomes a permit situation. Mr. Cohen stated he likes the way this legislation was proposed and that this is exactly what the Legislation Committee is for. That when legislation is proposed like this it should be given to the Legislation Committee and have a meeting to discuss it. Mr. Elzer said that works for him as he didn't think it would go into effect until the first of the year. Mr. Elzer said his concerns are the legal aspects, how far we can take it if people don't register. Atty. Smith said if it is made an ordinance, it can be enforced. She said that these discussions are helpful to her because sometimes there are varying opinions on legislation. Mr. Cohen said there a lot of people who live in the business district that are just homes and he's not comfortable charging a fee for people to live in their houses. Atty. Beagle said we could have a Legislation Committee meeting before the next regular Council meeting. The Clerk stated she would schedule the meeting for Tuesday May 28<sup>th</sup> at 6:30 pm. At this point Mayor Zuch gave a brief over view of tonight's legislation. Mr. Elzer asked if the ordinance on park rates was different than what they are currently. Mr. Cohen said they had discussed giving the senior citizens a discounted rate from \$4.00 to \$3.00 and instituting a water aerobics program that has to have a fee and that has to be done by ordinance. Mr. Elzer asked if this was emergency and Mr. Cohen stated the Aquatics Director wanted to start this program and she just started last week and if we go 3 readings and wait 30 days we are into the middle of July and too late to start. The problem is to change or add a fee you have to change the ordinance and that is a flaw. Mr. Elzer said his problem with it is it doesn't address residents vs. non residents, the people who live here and pay taxes and levies and they aren't treated any different from people outside the community. We should reward people who pay these things. Dot Herbert said they have had this conversation before and that the logistics of determining who is and isn't a resident and identifying children who go to school here is a nightmare and thinks we should stay the way we are. Mr. Elzer said that doesn't reward the people who live here. Herbert said his thinking is great, but how would it be put into practice? Mr. Elzer said anyone who wants a season pass could bring a water bill. Thompson said if they rent, it is in the land lord's name. Mr. Elzer said there has to be ways to identify that people are from East Palestine, and Herbert said if there are she would like to know them. Mr. Cohen said given our desire to increase income that we should do that. Herbert said they have a lot of regulars from Pennsylvania and she doesn't want to chase them away. Mr. Cohen said they tried this years ago and it didn't work.

**VISITORS:** John & Dot Herbert, Tina Kosman, Dave Kibler, John & Bonnie Davis, Dan Scott, Mary Anne Tyger, Adam Philips, Dianna Elzer, Chuck McGuire, Larry & Terri Ward, Lisa Hamner, Katie Schwendeman, Tami & Bob Harris, Rich Bolon, Lisa Burbick, Anthony Burbick, Jen Calko, Kent & Darlene Chapman, Chief Kevin Dickey, Tra

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**LEGISLATION:** Atty. Beagle introduced **Ord. 15-2013** for a first reading and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance authorizing the Finance Director to make supplemental appropriations for the Village of East Palestine, Ohio for the fiscal year beginning January 1, 2013.** Atty. Beagle introduced **Ord. 16-2013** for a first reading and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance providing for the authorization of the Municipal Manager to advertise for public bid the construction of the Harding Water Well reOplacement project and to further award and enter into a contract with the lowest and best bidder, as relates to the contract, pursuant to the specifications and bidding requirements.** Atty. Beagle introduced **Ord. 17-2013** for a first reading and made a motion that it be read by title only, seconded by Mr. Tyger. All in favor. **An ordinance creating a reserve police unit.** Mr. Tyger made a motion to amend Ord. 18-2013, seconded by Atty. Beagle. 5 YES to pass. Atty. Beagle introduced **Ord. 18-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. All in favor. **An ordinance amending codified ordinance section 248.05 parks and recreation as to pool rates.** Mr. Cohen and Atty. Beagle asked how to get the emergency language into the actual legislation. Atty. Smith stated it should be part of the motion. Atty. Beagle asked if we were to remake the last motion and Atty. Smith stated to either remake the last motion or amend the legislation to include a section 3 that says it was amended as an emergency measure. Mr. Cohen made a motion to declare ord. 18-2013 an emergency because it affects the health, safety or welfare of the citizens of East Palestine in that if it isn't an emergency they cannot start the water aerobics program or give the senior citizen rate until the middle of July. , seconded by Mr. Tyger. 5 YES to pass. Mr. Cohen made a motion that the emergency measure be incorporated into the legislation, seconded by Mr. Tyger. All in favor. Atty Beagle introduced amended **Ord. 18-2013** and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance amending codified ordinance section 248.05 parks & recreation as to pool rates, and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency, seconded by Mr.

Cohen. 5 YES to pass. Atty. Beagle called for a vote on **Ord. 18-2013**. Atty. Beagle-Y, Mr. Elzer-No, Mr. Cohen-Y, Mr. Tyger-Y Mrs. Wisser-Y. 4-YES, 1-NO. Ordinance passes.

**ADJOURN:** Mrs. .Wisser made a motion to adjourn, seconded by Mr. Tyger. All in favor, meeting adjourned.

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**MAYOR MARGO ZUCH**

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**MISTI J. MARTIN CLERK**